APPENDIX TO PETITION FOR CERTIORARI.

VIRGINIA CODE OF 1942.

§5768. *Assignees, etc., may sue in their own names; what discounts allowed.*—The assignee or beneficial owner of any bond, note, writing or other chose in action, not negotiable, may maintain thereon in his own name any action which the original obligee, payee, or contracting party might have brought, but shall allow all just discounts, not only against himself, but against such obligee, payee, or contracting party, before the defendant had notice of the assignment or transfer by such obligee, payee, or contracting party, and shall also allow all such discounts against any intermediate assignor or transferrer, the right to which was acquired on the faith of the assignment or transfer to him and before the defendant had notice of the assignment or transfer by such assignor or transferrer to another. (Code 1887, §2860.)

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§6094. *Declaration on policy of insurance.*—In an action on a policy of insurance no particular form of action or declaration shall be necessary, but it shall be sufficient for the plaintiff to file a complaint in writing at common law, setting forth the grounds of his action, and the relief prayed for, and filing therewith the original policy, or a sworn copy thereof, upon which his action is brought, and the loss or death relied upon as the ground of his recovery, and that he has performed all the conditions of said policy, and violated none of its prohibitions, and in such complaint it shall not be necessary to set forth every condition or proviso of said policy nor to aver observance of or compliance therewith *seriatum*, but a general averment to that effect shall suffice. Such complaint shall be filed in the same court and at the same time at which a declaration in such cases is now required by law, and such action shall be matured in the same manner as at present. (Code 1887, §3251; 1895-6, p. 707.)